

Article - Estates and Trusts

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§15–606.

If a deceased user consented to or a court directs the disclosure of the contents of electronic communications of the user, a custodian shall disclose to the personal representative of the user's estate the content of an electronic communication sent or received by the user if the personal representative provides the custodian:

- (1) A written request for disclosure in physical or electronic form;
- (2) A copy of the certificate of the user's death;
- (3) A copy of the letters of administration of the personal representative or court order appointing a special administrator;
- (4) Unless the user provided direction using an online tool, a copy of the user's will, trust, power of attorney, or other record evidencing the user's consent to disclosure of the content of electronic communications; and
- (5) If requested by the custodian:
 - (i) A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user's account;
 - (ii) Evidence linking the account to the user; or
 - (iii) A finding by the court that:
 1. The user had a specific account with the custodian, identifiable by the information specified in item (i) of this item;
 2. Disclosure of the content of electronic communications of the user would not violate 18 U.S.C. § 2701, et seq., 47 U.S.C. § 222, or other applicable law;
 3. Unless the user provided direction using an online tool, the user consented to disclosure of the content of electronic communications; or
 4. Disclosure of the content of electronic communications of the user is reasonably necessary for administration of the estate.

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